


FILED

JAN 28 2013


CLERK

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH DAKOTA
(SOUTHERN DIVISION)**

TIMOTHY J. IRONS, R.Ph.,

Plaintiff,

CASE NO. 4:12-cv-04212

v.

**ORDER GRANTING JOINT MOTION
TO DISMISS WITH PREJUDICE,
REMAND AND STRIKE**

WAL-MART STORES, INC.,

Defendant.

This matter is before the Court on the parties' Joint Motion to Dismiss with Prejudice, Remand and Strike. The Court hereby grant's the parties' Motion. Accordingly,

IT IS ORDERED:

1. The Plaintiff's discrimination and retaliatory discrimination based claims, including Counts I, V, VI and VII, are dismissed in their entirety, with prejudice, with each party to bear their own costs and attorney fees;
2. Defendant's December 19, 2012 Motion to Dismiss and Strike is denied as moot;
3. The exhibits to the Complaint are hereby stricken as immaterial and irrelevant.
4. The Plaintiff shall have 14 days from the date of this Order to file an Amended Complaint with respect to his remaining claims in the lawsuit, and the Defendant shall have 14 days after the Plaintiff files his Amended Complaint to file an Answer; and

5. The remainder of this Lawsuit action is remanded to the Second Judicial Circuit for the State of South Dakota for the disposition of all remaining issues

DATED this 28 day of January, 2013.

BY THE COURT:

Karen E. Schreier
UNITED STATES DISTRICT JUDGE

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